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Central Intelligence Agency

Washington, D.C. 20505

DD/A Registry
85-1273

9 APR 1985

The Honorable Strom Thurmond
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The enclosed report is submitted in compliance with the reporting requirements of the CIA Information Act of 1984. By agreement between our Office of Legislative Liaison and committee staff members of the Senate Select Committee on Intelligence and House Permanent Select Committee on Intelligence, this initial report--due 15 April 1985--covers a five-month period in order to allow time for developing statistical data necessary for producing the report. Subsequent reports, due 15 October 1985, 15 April 1986, and 15 October 1986, will cover a full six months each.

Personnel of this Agency who are working on FOIA requests are making a strong and conscientious effort to comply with the Director's commitment to Congress. The results of their efforts thus far are encouraging and we are optimistic that our next report to you will show even more progress.

Sincerely,

STAT

Harry E. Fitzwater
Deputy Director
for
Administration

Enclosure

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Initial Report on FOIA Processing

Measures to Improve Processing

During the hearings prior to the passage of the CIA Information Act of 1984, the Director of Central Intelligence committed the Agency to improving the processing of Freedom of Information Act (FOIA) requests to the maximum extent possible and to effect a substantial reduction in the Agency backlog of requests. The file designations permitted by the Act were not fully in effect during this reporting period and have, therefore, had no impact on our accomplishments reflected in this initial report. As a result of the Director's commitment, however, several initiatives were undertaken and are already showing success. We have used this initial reporting period to revamp our supporting mechanisms and to identify ways our processing procedures can be made more efficient.

--Within the Information and Privacy Division (IPD)--the Coordinator's staff--personnel have been augmented by three annuitants rehired on a part-time basis. This additional help at the case officer level has enabled IPD to reduce its backlog of cases ready for final response to about one or two days' work.

--Additional equipment has been ordered for IPD to increase the staff's efficiency. This includes two more word processors, five more computer terminals, and related hardware.

--More up-to-date, ergonomically-designed furniture has been ordered to make better use of existing space, accommodate additional personnel, and increase the efficiency of the staff.

--Judicious use of overtime has been authorized to keep backlogs from developing within the Division and to maintain a smooth flow of work.

--A major change in the structure of the Division was accomplished by creating a branch to manage the support functions essential to the processing of cases. This branch is also required to maintain, monitor, and review existing case files on a continuing basis. This is designed both to speed up our processing and to increase its accuracy. Cases are now less likely to be misplaced or correspondence neglected, as is almost inevitable without such continuous tracking, given our large workload.

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--Finally, in an effort to complete some of the oldest, problem cases, the Coordinator is initiating a series of regular conferences with the Information Review Officers of each directorate to determine why these cases are still open and to assign appropriate action to complete them.

Other components of the Agency have looked closely at their own organization and have made similar improvements and plans.

--The Office of General Counsel (OGC) has increased by one the number of attorneys devoted primarily to processing information requests and appeals, raising the total to three. OGC plans to hire an additional part-time paralegal and has made increased use of overtime.

--The Office of Legislative Liaison has hired a part-time professional who works entirely on FOIA, Privacy Act, and Executive Order information requests.

Budgetary and Personnel Allocations

It is not possible to calculate personnel or equipment devoted to FOIA processing alone, because FOIA requests are processed throughout the Agency by the same people who process Privacy Act (PA) requests and Executive Order (EO) 12356 mandatory review requests. The only way this can be approximated is by percentage of workload, and this changes daily. During 1984, for instance, FOIA requests constituted 54% of requests received, while PA and EO requests constituted 38% and 8%, respectively. This has not changed greatly over the years, but a gradual trend toward a higher percentage of FOIA requests has been evident in recent years.

There are 119 Agency personnel partially or entirely occupied with processing FOIA/PA/EO information requests. Of these, 86 are full-time staff, 16 are part-time staff, and 17 are rehired annuitants working two to three days per week. Based on the number of hours worked thus far this year, our manpower input would average 118.6 manyears if extrapolated for the full year. This is somewhat higher so far than the 114 manyears reported in our annual report to Congress for 1984. The estimated expenditure for personnel costs during this period was $1.32 million. This figure is based on an average professional grade of GS-12/1 and an average clerical grade of GS-06/1--the same formula used for our annual report. Based on the percentages given above, it is estimated that about $700,000 of this total was spent on FOIA.

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Workload Trends

The file designations allowed by the CIA Information Act of 1984 were not in effect for most of this reporting period and, as stated earlier, have not yet had an impact on our workload. The initiatives described above, however, have enabled us to reduce our backlog of FOIA/PA/EO cases requests by 392 cases. The following tabulation will illustrate this decline:

	15 Oct 84 Backlog	Cases Opened	Cases Closed	15 Mar 85 Backlog	Net Reduction
Total backlog	3,034	1,235	1,627	2,642	392
FOIA backlog	1,967	551	880	1,638	329

The reduction of our FOIA case backlog from 1,967 to 1,638--a reduction of 329--represents a decrease of about 17% in FOIA backlog.

Response Time

It is also too soon to see an impact of the file designations on our response time, but we have made some baseline calculations for future comparisons. For this purpose we reviewed all FOIA cases closed during the period 15 October 1983 to 14 October 1984 and recorded the number of months required for completion of each. We have done the same review of cases closed between 15 October 1984 and 14 March 1985, and will do so for each six-month period until October 1986. Our review indicates that the response time has improved slightly. For cases closed between 15 October 1983 and 14 October 1984, the average number of months required to complete a case was 14.9. For the period of 15 October 1984 to 14 March 1985 the average was 14.5 months.

Future Prospects

For your information, the Coordinator has instructed components that cases for which a search has already been made and review substantially completed are to be finalized with all documents treated in the final response, whether or not the records retrieved were retrieved from files now designated.

Even with operational files designated as exempt, there are major records systems that are still accessible under FOIA and which contain the intelligence product of the operational files.

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Furthermore, all requests for information on himself/herself received from a U.S. citizen or permanent resident alien, whether requested under FOIA or PA, will be searched in all appropriate files, including those designated as exempt.

The net impact of the file designations permitted by the CIA Information Act of 1984 will be to reduce response time, not the amount of information released.

During the next reporting period the file designations should be fully implemented, and our recently purchased equipment and furniture should have arrived. In addition, we are considering rehiring up to three more annuitants on a part-time basis. While we made progress during this initial reporting period, we expect the measures described in this report to improve further our FOIA processing during subsequent reporting periods.

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